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20999	7590	06/02/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			ORTIZ, BELIX M	
			ART UNIT	PAPER NUMBER
			2164	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<p>Application No.</p> <p align="center">10/813,858</p>	<p>Applicant(s)</p> <p align="center">SPRING ET AL.</p>	
	<p>Examiner</p> <p align="center">Belix M. Ortiz</p>	<p>Art Unit</p> <p align="center">2164</p>	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 4-12, 14, 15 and 17-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-12, 14, 15 and 17-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### Remarks

1. In response to communications files on 21-March-2005, claims 3, 13, and 16 are cancelled and claims 1, 12, 17, 31, and 35-36 are amended per applicant's request. Therefore, claims 1-2, 4-12, 14-15, and 17-36 are presently pending in the application.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-2, 4-12, 14-15, 17-21, 23-27, 31-33, and 35-36 are rejected under 35 U.S.C. 103(a) as being anticipated by Lumera et al. (U.S. publication 2004/0083377) in view of Fenton et al. (U.S. publication 2002/0194,195).

As to claim 1, Lumera et al. teaches a content management system for media publishing (see figure 3 and paragraph 2), comprising:

a plurality of content management tools for managing media contents during a publication process (see figure 4 and paragraph 10); and

a publishing pipeline configured to operate in concert with the plurality of content management tools during the publication process to control development, distribution, and access of the media contents (see paragraphs 24 and 32),

wherein the publishing pipeline provides a plurality of environments for staged and organized development and publication of the media contents (see paragraphs 5 and 32); and

a producer configured to generate and edit templates of media items and associated data when the plurality of environments is in a development/production environment (see abstract and paragraphs 2, 6, and 32).

Lumera et al does not teach wherein each template of the templates includes a number of media slots, and each media slot defines a genre of media and a specific target format.

Fenton et al. teaches media content creating and publishing system and process (see abstract), in which he teaches wherein each template of the templates includes a number of media slots, and each media slot defines a genre of media and a specific target format (see paragraphs 128-134).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Lumera et al. to include wherein each template of the templates includes a number of media slots, and each media slot defines a genre of media and a specific target format.

It would have been obvious to a person having ordinary skill in the art at the time

the invention was made to have modified Lumera et al. by the teaching of Fenton et al., because wherein each template of the templates includes a number of media slots, and each media slot defines a genre of media and a specific target format, would enable the management system because, “In one embodiment, template preview area 1704 comprises numbered "slots" that represent areas on the user showcase page that the user may populate with, for example, promote links or text links to media content. The number of slots available may be dependent on the template selected by the user on manage user showcase page 1600. The slots may initially be blank. The user may click or otherwise select one of the numbered slots as the desired location for a piece of content”, (see Fenton et al., paragraph 129).

As to claim 2, Lumera et al. as modified teaches wherein the plurality of environments includes a development/production environment (see Lumera et al., paragraph 32).

As to claim 4, Lumera et al. as modified teaches wherein the plurality of environments includes a staging environment (see Lumera et al., paragraphs 5 and 6).

As to claim 5, Lumera et al. as modified teaches wherein the plurality of environments includes a live environment (see Lumera et al., paragraphs 4, 25, and 26).

As to claim 6, Lumera et al. as modified teaches wherein the publishing pipeline includes a plurality of producers configured to push new media content through the publishing pipeline onto the live environment (see Lumera et al., paragraphs 4, 23, and 24).

As to claim 7, Lumera et al. as modified teaches wherein the plurality of content management tools allows each producer to manage taxonomies and editorial content of various types of websites (see Lumera et al., paragraph 6).

As to claim 8, Lumera et al. as modified teaches wherein the content management system is a system resident on a client computer (see Lumera et al., paragraph 26).

As to claim 9, Lumera et al. as modified teaches wherein the content management system includes a .net based application (see Lumera et al., paragraph 24).

As to claim 10, Lumera et al. as modified teaches wherein the plurality of content management tools includes taxonomies to define an overall dynamic site content structure of the content management system (see Lumera et al., paragraphs 13 and 24).

As to claim 11, Lumera et al. as modified teaches wherein the plurality of content management tools includes a create-once-render-everywhere (CORE) user interface

manager to support building, editing, and publishing a media project including media contents (see Lumera et al., figure 1 and paragraphs 15 and 24).

As to claim 12, Lumera et al. teaches a method of managing media contents and data (see figure 3 and paragraph 2), comprising:

providing a plurality of content management tools (see figure 4 and paragraph 10); and

configuring a publishing pipeline to operate in concert with the plurality of content management tools during a publication process to control development, distribution, and access of the media contents and data (see paragraphs 24 and 32),

wherein the configuring a publishing pipeline provides a plurality of environments for staged and organized development and publication of the media contents and data (see paragraphs 5 and 32); and

generating and editing templates of media items and associated data when the plurality of environments is in a development/production environment (see abstract and paragraphs 2, 6, and 32).

Lumera et al. does not teach wherein each template of the templates includes a number of media slots, and each media slot defines a genre of media and a specific target format.

Fenton et al. teaches media content creating and publishing system and process (see abstract), in which he teaches wherein each template of the templates includes a

number of media slots, and each media slot defines a genre of media and a specific target format (see paragraphs 128-134).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Lumera et al. to include wherein each template of the templates includes a number of media slots, and each media slot defines a genre of media and a specific target format.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Lumera et al. by the teaching of Fenton et al., because wherein each template of the templates includes a number of media slots, and each media slot defines a genre of media and a specific target format, would enable the management system because, “In one embodiment, template preview area 1704 comprises numbered “slots” that represent areas on the user showcase page that the user may populate with, for example, promote links or text links to media content. The number of slots available may be dependent on the template selected by the user on manage user showcase page 1600. The slots may initially be blank. The user may click or otherwise select one of the numbered slots as the desired location for a piece of content”, (see Fenton et al., paragraph 129).

As to claim 14, Lumera et al. as modified teaches wherein the plurality of environments includes a development/production environment, a staging environment, and a live environment (see Lumera et al. paragraphs 4-6, 25-26, and 32).



As to claim 15, Lumera et al. as modified teaches the method further comprising:  
maintaining a separate storage for each environment (see Lumera et al. paragraphs 6 and 8).

As to claim 17, Lumera et al. as modified teaches the method further comprising:  
migrating the templates of media contents and associated data to the staging environment (see Lumera et al. paragraph 24).

As to claim 18, Lumera et al. as modified teaches the method further comprising:  
testing and reviewing the templates of media contents and associated data in the staging environment (see Lumera et al. paragraphs 24 and 32).

As to claim 19, Lumera et al. as modified teaches the method further comprising:  
migrating the tested and reviewed templates of media contents and associated data to the live environment (see Lumera et al. paragraph 13).

As to claim 20, Lumera et al. as modified teaches the method further comprising:  
enabling users to access the templates of media contents and associated data in the live environment for member publishing (see Lumera et al. paragraph 24).

As to claim 21, Lumera et al. as modified teaches the method further comprising:

allowing producers to import new media contents and associated data into a table in the live environment (see Lumera et al. paragraphs 4 and 23-26).

As to claim 23, Lumera et al. as modified teaches wherein the configuring a publishing pipeline includes providing a developing/production environment (see Lumera et al. paragraph 32).

As to claim 24, Lumera et al. as modified teaches wherein the configuring a publishing pipeline includes providing a staging environment (see Lumera et al. paragraphs 5 and 6).

As to claim 25, Lumera et al. as modified teaches wherein the configuring a publishing pipeline includes providing a live environment (see Lumera et al. claim 5).

As to claim 26, Lumera et al. as modified teaches wherein the configuring a publishing pipeline includes pushing new media content through the publishing pipeline onto the live environment (see Lumera et al. paragraphs 23-24).

As to claim 27, Lumera et al. as modified teaches wherein the providing a plurality of content management tools includes managing taxonomies and editorial content of various types of websites (see Lumera et al. paragraph 6).

As to claim 31, Lumera et al. teaches a computer program, stored in a tangible storage medium, for use in managing media contents (see figure 4 and paragraph 37), the program comprising executable instructions that cause a computer to:

provide a plurality of content management tools (see figure 4 and paragraph 10);

configure a publishing pipeline to operate in concert with the plurality of content management tools during publication process to control access and distribution of the media contents (see paragraphs 24 and 32),

wherein the publishing pipeline provides a plurality of environments for staged and organized development and publication of the media contents (see paragraphs 5 and 32); and

generating and editing templates of media items and associated data when the plurality of environments is in a development/production environment (see abstract and paragraphs 2, 6, and 32).

Lumera et al. does not teach wherein each template of the templates includes a number of media slots, and each media slot defines a genre of media and a specific target format.

Fenton et al. teaches media content creating and publishing system and process (see abstract), in which he teaches wherein each template of the templates includes a number of media slots, and each media slot defines a genre of media and a specific target format (see paragraphs 128-134).

Therefore, it would have been obvious to a person having ordinary skill in

the art at the time the invention was made to have modified Lumera et al. to include wherein each template of the templates includes a number of media slots, and each media slot defines a genre of media and a specific target format.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Lumera et al. by the teaching of Fenton et al., because wherein each template of the templates includes a number of media slots, and each media slot defines a genre of media and a specific target format, would enable the management system because, “In one embodiment, template preview area 1704 comprises numbered "slots" that represent areas on the user showcase page that the user may populate with, for example, promote links or text links to media content. The number of slots available may be dependent on the template selected by the user on manage user showcase page 1600. The slots may initially be blank. The user may click or otherwise select one of the numbered slots as the desired location for a piece of content”, (see Fenton et al., paragraph 129).

As to claim 32, Lumera et al. as modified teaches wherein the configuring a publishing pipeline includes pushing new media content through the publishing pipeline onto the live environment (see Lumera et al. paragraphs 23-24).

As to claim 33, Lumera et al. as modified teaches wherein the providing a plurality of content management tools includes managing taxonomies and editorial content of various types of websites (see Lumera et al. paragraph 6).

As to claim 35, Lumera et al. teaches a content management system for media publishing (see figure 3 and paragraph 2) comprising:

a content management means for managing media contents during a publication process (see figure 4 and paragraph 10);

a pipeline means for operating in concert with the content management means during the publication process to control access and distribution of the media contents (see paragraphs 24 and 32),

wherein the pipeline means provides a plurality of environments for staged and organized development and publication of the media contents (see paragraphs 5 and 32); and

a producing means for generating and editing templates of media items and associated data when the plurality of environments is in a development/production environment (see abstract and paragraphs 2, 6, and 32).

Lumera et al. does not teach wherein each template of the templates includes a number of media slots, and each media slot defines a genre of media and a specific target format.

Fenton et al. teaches media content creating and publishing system and process (see abstract), in which he teaches wherein each template of the templates includes a number of media slots, and each media slot defines a genre of media and a specific target format (see paragraphs 128-134).

Therefore, it would have been obvious to a person having ordinary skill in

the art at the time the invention was made to have modified Lumera et al. to include wherein each template of the templates includes a number of media slots, and each media slot defines a genre of media and a specific target format.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Lumera et al. by the teaching of Fenton et al., because wherein each template of the templates includes a number of media slots, and each media slot defines a genre of media and a specific target format, would enable the management system because, “In one embodiment, template preview area 1704 comprises numbered “slots” that represent areas on the user showcase page that the user may populate with, for example, promote links or text links to media content. The number of slots available may be dependent on the template selected by the user on manage user showcase page 1600. The slots may initially be blank. The user may click or otherwise select one of the numbered slots as the desired location for a piece of content”, (see Fenton et al., paragraph 129).

As to claim 36, Lumera et al. teaches a content management system for media publishing (see figure 3 and paragraph 2), comprising:

a content management means for managing media contents during a publication process (see figure 4 and paragraph 10);

a pipeline means for operating in concert with the content management means during the publication process to control development, distribution, and access of the media contents (see paragraphs 24 and 32),

wherein the pipeline means provides a plurality of environments for staged and organized development and publication of the media contents (see paragraphs 5 and 32); and

a producing means for generating and editing templates of media items and associated data when the plurality of environments is in a development/production environment (see abstract and paragraphs 2, 6, and 32).

Lumera et al. does not teach wherein each template of the templates includes a number of media slots, and each media slot defines a genre of media and a specific target format.

Fenton et al. teaches media content creating and publishing system and process (see abstract), in which he teaches wherein each template of the templates includes a number of media slots, and each media slot defines a genre of media and a specific target format (see paragraphs 128-134).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Lumera et al. to include wherein each template of the templates includes a number of media slots, and each media slot defines a genre of media and a specific target format.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Lumera et al. by the teaching of Fenton et al., because wherein each template of the templates includes a number of media slots, and each media slot defines a genre of media and a specific target format, would enable the management system because, "In one embodiment, template preview area 1704

comprises numbered "slots" that represent areas on the user showcase page that the user may populate with, for example, promote links or text links to media content. The number of slots available may be dependent on the template selected by the user on manage user showcase page 1600. The slots may initially be blank. The user may click or otherwise select one of the numbered slots as the desired location for a piece of content", (see Fenton et al., paragraph 129).

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lumera et al. (U.S. publication 2004/0093377) in view of Fenton et al. (U.S. publication 2002/0194,195) as applied to claims 1-2, 4-12, 14-15, 17-21, 23-27, 31-33, and 35-36 above, and further in view of Higgins (U.S. patent 5,270,922).

As to claim 22, Lumera et al. does not teach the method further comprising:  
flagging the new media contents and associated data when the producer imports new media contents and associated data into the table.

Higgins teaches system for distributing, processing and displaying financial information (see abstract), in which he teaches the method further comprising:

flagging the new media contents and associated data when the producer imports new media contents and associated data into the table (see column 7, lines 29-45).

Therefore, it would have been obvious to a person having ordinary skill in



the art at the time the invention was made to have modified Lumera et al. to include the method further comprising:

flagging the new media contents and associated data when the producer imports new media contents and associated data into the table.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Lumera et al. by the teaching of Higgins, because the method further comprising:

flagging the new media contents and associated data when the producer imports new media contents and associated data into the table, would enable the method to know when new data or information is added to the content of the table.

5. Claims 28-29 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lumera et al. (U.S. publication 2004/0093377) in view of Fenton et al. (U.S. publication 2002/ 0194,195) as applied to claims 1-2, 4-12, 14-15, 17-21, 23-27, 31-33, and 35-36 above, and further in view of Tabbara et al. (U.S. patent 6,460,043).

As to claims 28 and 34, Lumera et al. does not teach the method further comprising:

storing the taxonomies as a flat table of individual nodes that have parent links and associated data.

Tabbara et al. teaches method and apparatus for operating on data with a conceptual data manipulation language (see abstract), in which he teaches the method further comprising:

storing the taxonomies as a flat table of individual nodes that have parent links and associated data (see column 37, lines 48-55).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Lumera et al. to include the method further comprising:

storing the taxonomies as a flat table of individual nodes that have parent links and associated data.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Lumera et al. by the teaching of Tabbara et al., because the method further comprising:

storing the taxonomies as a flat table of individual nodes that have parent links and associated data, would enable the method to have fast respond to the user when he/she make a request.

As to claim 29, Lumera et al. as modified teaches wherein the associated data includes a business name (see Tabbara et al., column 8, lines 16-26).

6. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lumera et al. (U.S. publication 2004/0093377) in view of Fenton et al. (U.S. publication 2002/

0194,195) as applied to claims 1-2, 4-12, 14-15, 17-21, 23-27, 31-33, and 35-36 above, and further in view of Love et al (U.S. publication 2004/0215725).

As to claim 30, Lumera et al. does not wherein the taxonomies are configured in a tree structure.

Love et al. teaches system and method for multi-platform queue queries (see abstract), in which he teaches wherein the taxonomies are configured in a tree structure (see claim 15).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Lumera et al. to include wherein the taxonomies are configured in a tree structure.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Lumera et al. by the teaching of Love et al., because wherein the taxonomies are configured in a tree structure, would enable the method to have an easy display to the user.

### ***Response to Arguments***

7. Applicant's arguments filed 21-March-2005 with respect to the rejected claims in view of the cited references have been fully considered but they are not found persuasive:

In response to applicants' arguments that "Lumera, Higgins, Tabbara, and Love fail to teach or suggest generating and editing templates of media items and associated data when the plurality of environments is in a development/production environment,

wherein each template of the templates includes a number of media slots, and each media slot defines a genre of media and a specific target format”, the arguments have been fully considered but are not deemed persuasive, because Lumera et al. teaches “The present invention relates generally to a system for information creation, management and publication of documentation. More particularly, the present invention relates to an integrated system for information creation, management and publication of documentation that is independent of the components used in the system”, (see Lumera et al., paragraph 2).

Fenton et al. teaches “In one embodiment, template preview area 1704 comprises numbered "slots" that represent areas on the user showcase page that the user may populate with, or example, promote links or text links to media content. The number of slots available may be dependent on the template selected by the user on manage user showcase page 1600. The slots may initially be blank. The user may click or otherwise select one of the numbered slots as the desired location for a piece of content.

Once a slot is selected, the user may choose a link to media content to populate the selected slot. The user may link to media content that is stored in the user's stash by selecting pulldown box 1706. Alternatively, the user may choose to link to media content that has earlier been designated as a favorite by the user by selecting pulldown box 1708. In one embodiment, those video or audio files in the user's stash or favorites that are in a valid video or audio format for the showcase page will then be displayed to the user and the user may select one of these to populate the selected slot on template preview area 1704”, (see Fenton et al., paragraphs 129 and 130).

*Conclusion*

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Belix M. Ortiz whose telephone number is 571-272-4081. The examiner can normally be reached on Monday-Friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

bmo

May 20, 2005

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

Application/Control Number: 10/813,858  
Art Unit: 2164

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